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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,631	10/23/2003	Kazunori Yoshino	8350.3130	9159
22852	7590	03/08/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/690,631	YOSHINO, KAZUNORI	
	Examiner	Art Unit	
	F. Daniel Lopez	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 17-23 is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-11, 16 and 24 is/are rejected.
- 7) ☐ Claim(s) 6 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 6, 2005 has been entered.

Response to Amendment

Applicant's arguments filed December 6, 2005, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1-5, 7, 8, 11 and 24 have been considered but are deemed to be moot in view of the new grounds of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 2, 4, 5, 7-11, 16 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ohkura et al (see discussion below). Ohkura et al includes two sources of pressure, a main pump (10) and a second pilot pump (e.g. column 8 line 62), which is in connection with the pressure control device (23, 24).

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Ohkura et al in view of Stephenson et al. Ohkura et al discloses a hydraulic system for a work machine comprising first (e.g. 47) and second (50) hydraulic motors in fluid communication with a source of pressurized fluid (10), via first and second directional control valves (46a, 21, respectively); first (unnumbered, between 46a, 46b and 20) and second (22) fluid return lines adapted to direct a return flow of fluid from the first and second hydraulic actuators, respectively, to a tank; and a pressure control device (23,

24) disposed in the second fluid return line and operable to selectively adjust a magnitude of fluid pressure in the second fluid return line, wherein the pressure control device increases the magnitude of the fluid pressure in the second return line in response to a decrease in a sensed rate of fluid flow (rotational speed of the motor) through the second return line (step 304, 305; column 10 line 12-27); but does not disclose that the first and second directional control valves include a first set of independent metering valves adapted to control a flow of fluid between the source of pressurized fluid and the hydraulic cylinder and to control a flow of fluid from the hydraulic cylinder to the first fluid return line; and a second set of independent metering valves adapted to control a flow of fluid between the source of pressurized fluid and the hydraulic motor and to control a flow of fluid from the hydraulic motor to the second fluid return line.

Stephenson et al teaches, for a directional control valve connected between a source of pressurized fluid (102) and a hydraulic motor (110), that the directional control valve includes a set of independent metering valves (121, 122, 123, 124) adapted to control a flow of fluid between the source of pressurized fluid and the hydraulic cylinder and to control a flow of fluid from the hydraulic cylinder to a return line (119).

Since the directional control valves of Ohkura et al and Stephenson et al are functionally equivalent in the hydraulic piston control art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to use a first set of independent metering valves adapted to control a flow of fluid between the source of pressurized fluid and the hydraulic cylinder and to control a flow of fluid from the hydraulic cylinder to the first fluid return line; and a second set of independent metering valves adapted to control a flow of fluid between the source of pressurized fluid and the hydraulic motor and to control a flow of fluid from the hydraulic motor to the second fluid return line instead of the first and second directional control valves of Ohkura et al, as taught by Stephenson et al, as a matter of engineering expediency.

Conclusion


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Claims 17-23 are allowed.

Claims 6 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
March 06, 2006